

**NOTICE OF LAWSUIT AND REQUEST FOR  
WAIVER OF SERVICE FOR SUMMONS**

**TO:** Correctional Medical Service

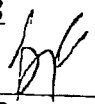
A lawsuit has been commenced against you. A copy of the Complaint is attached to this notice. It has been filed in the United States District Court for the District of Delaware and has been assigned Civil Action #07-683.

This is not a formal summons from the Court, but rather, is a request that you sign and return the enclosed "Return of Waiver" form in order to save the cost of serving you with a judicial summons and an additional copy of the Complaint. The cost of service will be avoided if the "Return of Waiver" form is signed by you and returned to the U. S. Marshal's Service in the enclosed stamped and addressed envelope within **30 days** after the date stamped below. An extra copy of the "Return of Waiver" form is also enclosed for your records.

If you comply with this request and return the signed waiver, it will be filed with the Court and no summons will be served on you. The action will then proceed as if you have been served on the date the "return of Waiver" form is filed, except that you will not be required to answer the Complaint before **60 days** from the date designated below as the date on which this notice is sent.

If you do not return the signed waiver within the time indicated, the appropriate steps to affect formal service in the manner authorized by the Federal Rules of Civil Procedure will be taken, and to the extent authorized by those Rules, the Court shall require you to pay the full cost of such service. In that connection, please read the statement concerning the duty of parties to waive the service of the summons, which is set forth on the "Return of Waiver" form.

Date: March 19, 2008

Affirmed by: 

USMS Representative

IFP NOTICE OF LAWSUIT FORM

USMS copy

Corporate/Entity Defendant


### RETURN OF WAIVER OF SERVICE OF SUMMONS

I acknowledge receipt of the request that I can waive service of summons in the matter of C.A. No. 07-683 in the United States District of Delaware. I have also received a copy of the complaint in the action, two copies of this form, a copy of the Order of the Court authorizing service and a means by which I can return the signed waiver without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that the entity on whose behalf I am acting be served with judicial process in the manner provided by Rule 4.

The entity on whose behalf I am acting will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court, except for objections based on a defect in the summons or in the service of the summons. I understand that a judgment may be entered against the party -on whose behalf I am acting if a response is not served and filed within 60 days after: March 19, 2008.

Date: April 1, 2008



Signature of Defendant

Printed or Typed Name: JAMES E. DANZ, ESQ #3789

FOR CORRECTIONAL MEDICAL SERVICES

### DUTY TO AVOID UNNECESSARY COST OF SERVICE OF SUMMONS

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary cost of service of the summons and the complaint. **A defendant located in the United States, who, after being notified of an action and asked to waive service of summons on behalf of a plaintiff located in the US, fails to do so will be required to bear the cost of such service unless good cause be shown for that defendant's failure to sign and return the waiver.**

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over defendant's person or property. A defendant who waives service of summons retains all defenses and objections, except any relating to the summons or the service of summons, and may later object to the jurisdiction of the Court or to the place to where the action has been brought.

A defendant who waives service must within the time specified on the "Return of Waiver" form served on plaintiff, if unrepresented or on plaintiff's attorney, a response to the Complaint and must also file a signed copy of the response with the Court. If the answer or a motion is not served within this time, a default judgement may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.

**CERTIFICATE OF SERVICE**

I, James Drnec, hereby certify that on the 1<sup>st</sup> day of April 2008, the foregoing Waiver of Service was filed via CM/ECF and served First Class Mail upon the following:

Deshaune Darling  
SBI# 229896  
Delaware Correctional Center  
1181 Paddock Road  
Smyrna, DE 19977

/s/ James E. Drnec  
James E. Drnec, Esquire (#3789)